

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ZHENGRONG WU,
Plaintiff,

v.

UR M. JADDOU, et al.,
Defendants.

Case No. 5:22-cv-01328-SP

**ORDER DISMISSING CASE FOR
LACK OF PROSECUTION**

On August 2, 2022, plaintiff filed a complaint against defendants, who are directors of the United States Citizenship and Immigration Services. Under Federal Rule of Civil Procedure 4(m), plaintiff was required to serve each defendant with the summons and complaint within 90 days after the complaint's filing, that is, no later than October 31, 2022. The deadline for service passed without plaintiff filing any proof of service or giving any other indication to the Court that the complaint was served on any defendant.


Accordingly, on November 2, 2022, the Court issued an Order to Show Cause Why Case Should Not Be Dismissed for Failure to Effect Service and Prosecute. The Court ordered plaintiff to show cause in writing by November 16, 2022 why the case should not be dismissed without prejudice for plaintiff's failure to prosecute and serve defendants within the required time period. The Court further ordered that plaintiff could

1 discharge the Order to Show Cause by filing, not later than November 16, 2022, proof of
2 complete and proper service of the summons and complaint. The Court explicitly warned
3 plaintiff that failure to respond by November 16 may result in dismissal.

4 More than two months have passed since the November 16 deadline, and plaintiff
5 has neither filed proof of service nor responded in any way to the Order to Show Cause.
6 Rule 4(m) provides that if a defendant is not served within 90 days after the complaint is
7 filed, the Court “must dismiss the action without prejudice against that defendant or order
8 that service be made within a specified time,” unless plaintiff shows good cause to extend
9 the time for service. Fed. R. Civ. P. 4(m). The Court has already ordered service by
10 November 16, 2022, and given plaintiff an opportunity to respond to the Order to Show
11 Cause and show good cause for an extension. Plaintiff has not responded to the Order to
12 Show Cause in any fashion. As such, dismissal without prejudice is warranted for failure
13 to effect service and prosecute this action.

14 IT IS THEREFORE ORDERED that this action is dismissed without prejudice.

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16 Dated: 01/25/23



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19 HONORABLE PHILIP S. GUTIERREZ
CHIEF UNITED STATES DISTRICT JUDGE